

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)

Plaintiff)

vs.)

PHILIP MORRIS, INCORPORATED, et al.,)

Defendants.)

Civil Action No. 99-CV-2496 (GK)

**RESPONSE OF BROWN & WILLIAMSON TOBACCO CORPORATION TO THE
UNITED STATES' FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Pursuant to Order No. 37, Eighth Case Management Order dated November 17, 2000 ("CMO8") and Order No. 39 dated December 1, 2000, Defendant Brown & Williamson Tobacco Corporation, individually and as successor by merger to The American Tobacco Company ("Brown & Williamson"), responds and objects to Plaintiff United States' (the "Plaintiff") First Set of Interrogatories to Defendants (the "Interrogatories").

The Complaint lists as defendants both "Brown & Williamson Tobacco Corporation, directly and as successor by merger to American Tobacco Company" and "American Tobacco Company, directly and as successor to the tobacco interests of American Brands, Inc." The Complaint is confusing because it twice lists The American Tobacco Company as a defendant, which, as the Plaintiff knows, no longer exists as a separate corporate entity. This statement clarifies Brown & Williamson Tobacco Corporation's responses to the Interrogatories as to The American Tobacco Company as listed in the Complaint.

The American Tobacco Company was a Delaware corporation that was merged into Brown & Williamson Tobacco Corporation on February 28, 1995. By virtue of the merger,

Subject to and without waiving its Recurring and Specific Objections, Brown & Williamson states that Dr. Sharon Boyse and Dr. Scott Appleton are employees of Brown & Williamson who will be able to provide information about smoking and health issues. These issues include causation, addiction and nicotine, and research conducted by or for Brown & Williamson. In addition, Brown & Williamson refers Plaintiff to its May 26, 2000 production of historical organizational charts for Brown & Williamson Tobacco Corporation and The American Tobacco Company produced pursuant to paragraph 8(a) of CMO6. The Bates numbers for the organizational charts are attached as Exhibit 1.

INTERROGATORY NO. 10:

List Each disease or medical condition that you have concluded is caused by smoking cigarettes, and state all facts regarding your conclusion regarding the causal relationship between cigarette smoking and Each disease or medical condition listed.

RESPONSE TO INTERROGATORY NO. 10:

Brown & Williamson incorporates Recurring Objections Numbers 4, 7, and 18 in response to this Interrogatory.

Subject to and without waiving its Recurring Objections, Brown & Williamson states that epidemiological studies of cigarette smoking and various diseases show that groups of smokers have a significantly increased incidence of those diseases compared to nonsmokers. The strength of the reported risks varies from one disease to another, from one population to another and with the amount smoked. The percentage of smokers developing diseases like lung cancer also varies between different populations. Nevertheless, for certain diseases, including lung cancer, studies in the U.S. and elsewhere indicate that the risks are strong and consistent. This suggests that smoking is a cause of (or a contributor to) disease in humans. However, we know of no way to

verify that smoking is a cause of any particular person's adverse health or why smoking may have adverse health effects on some people and not others.

However, the strength of the statistical evidence and lack of an alternative explanation for the increased risk of disease in groups of smokers, coupled with the fact that the experimental evidence does not refute the conclusion that smoking causes disease, leads Brown & Williamson to concur that the best judgment is that smoking is a cause of certain diseases. Brown & Williamson recognizes that on the state of the experimental evidence, others may reach different judgments. Brown & Williamson agrees that it is reasonable for scientists to believe that knowledge of a causal mechanism or proof through an appropriate experimental model is required to establish causation. Brown & Williamson's judgment has been reached after careful and thorough assessment and reflects the weight of the accumulated information. It does not reflect any specific study or development. In addition, Brown & Williamson refers Plaintiff to its Corporate Website under "Our Positions: Assessing the Risks Associated with Smoking" in which Brown & Williamson provides a review of the evidence relating to the risks associated with different levels of smoking, including evidence applicable to lung cancer, chronic obstructive lung disease and coronary heart disease. In addition, Brown & Williamson states that documents containing information that may be responsive to this Interrogatory have been or will be produced to Plaintiff in response to Comprehensive Requests Numbers 80, 83, 84, and 100. Because the burden of deriving or ascertaining information contained in these documents is substantially the same for the Plaintiff as it would be for Brown & Williamson, Brown & Williamson refers Plaintiff to these documents pursuant to Rule 33(d) of the Federal Rules of Civil Procedure.